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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Sri Lanka: Civilian Land under Military Occupation

In October 2015, the Government of Sri Lanka (GoSL) co-sponsored Resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka. Even though the GoSL has engaged with the Office of the UN High Commissioner for Human Rights and Special Mandate Holders, most of the commitments have not been fulfilled. With the adaption of Resolution 30/1, the GoSL committed itself to accelerate the return of land to its rightful civilian owners, end military involvement in civilian activities and support the resumption of livelihoods. This process has been painfully slow to date. In this statement, the STP will focus on the military occupation of civilian land in the Vanni within the Northern Province of Sri Lanka.

Continued Militarization

The militarization of Tamil-dominated areas in Sri Lanka continues largely unabated and remains a key obstacle to a return to regular life. The continued militarization stands in significant contrast to the government's promise of democratization and openness towards Tamil concerns. Although military checkpoints have been reduced over recent years, the armed forces remain heavily involved in public life. In this context, surveillance, harassment and intimidation of civil society, human rights activists, NGO workers and journalists are still widespread.

The militarization must moreover be seen in relation to its economic dimension. Since the end of the war, the military has established itself as a major player in the local economy. Its forces are involved in a range of commercial activities, such as agriculture, catering and tourism. These economic activities by the military deprive the local population of important sources of income. Particularly in farming, they put the security forces in direct competition with the local population for scarce resources, such as water, while it is also reported that the military sells its agricultural products below the usual market price. Local farmers cannot compete with such prices.

Occupied Land and Displacement

Even though the GoSL has started to resettle displaced families to their places of origin, the military continues to occupy vast stretches of land under the pretext of national security. As a result, a significant number of people remains unable to access their traditional land. The scale and nature of these acquisitions and expropriations of state and private land by the security forces currently beg questions concerning the complete disregard of the existing legal framework in Sri Lanka and a direct violation of people's socio-economic rights. By occupying civilian land, the military not only represses fundamental freedoms, such as the freedom of movement as people are not allowed to enter occupied areas, but also arbitrarily deprives people of, or restricts access to, their traditional livelihood as farmers and fishers.

Before their displacement, their access to land and water provided local communities with diversified and sustainable sources of income and gave them economic security. The military occupation of their traditional land has denied a large number of people access to land and water for several years, making them dependent on the support of relatives and irregular wage labour. As a result, many, especially female-headed, households are currently struggling to meet their basic needs. Meanwhile, on occupied civilian land, the military not only maintain camps, but also runs resorts and farms.

While housing schemes were provided to several displaced communities in alternate locations, this does not mean that the allocated housing and associated land were adequate compensation for the lost properties. The vast majority of displaced people were moved to permanent relocation sites without consent, while the quality of the housing given is often poor. Furthermore, some families still live in rented houses or with friends and relatives, since they have not received a house and alternate land. They continue to be dependent on the support of their host communities.

In most resettlement areas, there is not enough water or fertile land for farmers to engage in agriculture, while fishers face problems in reaching their traditional fishing grounds. In many cases, fishers' fuel costs have risen sharply, since they have to travel further to reach their fishing grounds. On occupied land, access to several beach seine sites has also been prohibited. Subsequently, the beach seine fishers have lost their traditional livelihood. The lack of basic infrastructure, such as drinking water wells and sanitary facilities, as well as restricted access to education and medical care, amplifies the situation further. Several cases of suicide have been noted as a result of vulnerable people taking on microcredit to rebuild life-essential infrastructure, but failing to pay back the debt. In addition, alternative wage-earning opportunities, in contrast to traditional forms of livelihood, remain scarce, as the local economy in the Northern

Province has not yet recovered since the end of the war. There is an ongoing lack of employment opportunities compared to the rest of the country.

Moreover, the loss of a plot of land, cultivated for generations, not only threatens the prospects for a self-determined life without hunger, but also robs people of their cultural roots and social networks. Many displaced people stress the emotional value of their lands, which were formerly cultivated and formed by their ancestors. Hence, displacement goes far beyond economic hardship, as it causes emotional and social effects that take a heavy toll on the lives of the displaced.

Released Land and Resettlement

Currently, public frustration is evident over the slow pace of progress concerning the undertakings that Sri Lanka has officially committed to. The limited changes brought in by the new government has prompted an increase in the number of protests over military occupied land. During 2017, several communities organized continuous roadside protests, firmly demanding their land back. While a few were at least partially successful, while others were placated with promises from various government officials, which were subsequently not kept.

The return of the people to their traditional land is generally viewed as a possible means to escape from poverty, as it provides an opportunity to re-establish their traditional livelihood. Yet, the communities who won back their land as a result of their protests have encountered difficulties in resettling in their place of origin. On the released land, many houses and most of the infrastructure were either damaged or destroyed by bomb attacks during the war, or later on by the military. Going back entails settling in makeshift shelters or damaged houses in overgrown villages, with hardly any support or acknowledgement from the government. In some rural areas, essential health services and schools are not available on the released land. Access to medical care and education is, therefore, difficult, especially since public transport can be inadequate as well.

There have even been incidents where the military cut down trees and destroyed houses and infrastructure a few days prior to the release of the land, wilfully turning it into a poor condition. In Puthukkudiyiruppu, in the Mullaitivu District, people returned in March 2017 to damaged houses and destroyed infrastructure as the army left behind a trail of destruction before handing over the occupied land. Soldiers had dispersed waste over the properties, ripped screws from door frames, cut electrical wires and taken sockets from the switches shortly before the release.

Conclusion

Currently, there is a significant gap between the government's rhetoric on transnational justice and the reality on the ground. Furthermore, the GoSL has failed to accelerate the return of land to its rightful civilian owners, end the military involvement in commercial activities and support the resumption of traditional livelihoods.

Recommendations

Society for Threatened Peoples calls on the GoSL:

- to ensure land rights for all displaced people by releasing all military occupied areas to the public and resettling all displaced families on their traditional land
- to compensate the affected people in the resettlement process, and provide displaced and resettled families with sufficient basic facilities, such as drinking water, electricity and sanitary facilities, and access to essential health services and education
- to immediately demilitarize the Vanni by reducing the military presence, as well as ordering the military to cease all of its commercial activities
- to ensure unrestricted access to land and water for local communities in the Vanni and support the resumption of their traditional livelihood
- to fully implement Resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka

Society for Threatened Peoples calls on the UN Human Rights Council (UNHRC):

- to encourage Sri Lanka to put forward a time-bound and specific implementation plan to ensure progress in the extension timespan of two years, as outlined in UNHRC Resolution 34(1) of March 2017
- to offer technical assistance and provide adequate financial support to Sri Lanka to deliver on the commitments made in 2015

Reference

- Society for Threatened Peoples, Vanni: Civilian Land under Military Occupation, February 2018.